

TOOL 2: INTRODUCTORY LETTER TO SUMMIT ATTENDEES

Dear [INSERT: Attendee Name]:

We are delighted that you have accepted our invitation to participate in the [INSERT: Event Title], hosted by [INSERT: Individuals or Organization]. We look forward to a robust discussion of the changes in the family justice system necessary to serve the needs of children and parents. The purpose of this letter is to detail the nature, organization, and goals of the Summit.

Overarching Summit Goals

We are bringing together thought leaders from a cross-section of the family law bar with the purpose of engaging practitioners individually, and the bar as a whole, in the larger movement to facilitate change in the system for resolving family conflict and parenting disputes. A substantial body of literature⁹ and our collective experience identify some of the key issues confronting the 21st Century system of separation and divorce:

- Crowded court dockets;
- Challenges in meeting children's needs for stability and support;
- The increasing costs and decreasing availability of legal services for middle income people and the poor;
- Multifaceted issues presented by the increasing number of self-represented litigants;
- Challenges presented by conflicts involving unmarried parents, same-sex unions, and reproductive technology;
- The disjunction between family issues and the adversarial system; and
- Complexities arising when cases involve interpersonal violence.

The family law bar possesses the experience and knowledge to respond to these opportunities. We anticipate that this Summit will identify areas of agreement about the problems in the family law system and result in specific proposals and processes for improvement.

[INSERT: Individuals or Organization] intends to issue a post-Summit report, outlining the problems confronted, the consensus goals of a reformed system, and specific programmatic recommendations. We are also hopeful that participants will be inspired from their time with each other to continue the work of the Summit by, for example, seeking implementation of a change recommendation in our jurisdiction.

⁹ See, e.g., REBECCA LOVE KOURLIS ET AL., INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., IAALS' HONORING FAMILIES INITIATIVE: COURTS AND COMMUNITIES HELPING FAMILIES IN TRANSITION ARISING FROM SEPARATION OR DIVORCE (2013), available at <http://iaals.du.edu/honoring-families/publications/courts-and-communities-helping-families-transition-arising-separation>. Also available are the various expert commentaries submitted in response to Courts and Communities, touching on self-represented litigants, family court reform, and related issues.

The Bar's Desire for Change

Family law practitioners as a group are good and dedicated professionals who wish to better serve their clients. In preparation for its national 2015 Family Bar Summit, the Institute for the Advancement of the American Legal System (IAALS) surveyed the attitudes of the family law bar about the current state of family law conflict resolution, as well as possible reforms. Four hundred sixty-nine (469) divorce attorneys responded to the survey, all of whom are members of the American Bar Association Section of Family Law, the Association of Family and Conciliation Courts, the International Academy of Collaborative Professionals, and the American Academy of Matrimonial Lawyers.

A full report of the survey findings is available on IAALS' website¹⁰; however, the key results suggest that the surveyed family law attorneys overwhelmingly believe systemic change is necessary for them to better serve their clients:

- Almost three-quarters (73%) of divorce attorneys surveyed *disagreed* with the following statement: "I think that the current court system of divorce, legal separation, and parenting rights and responsibilities in my jurisdiction adequately meets the needs of the majority of litigants";
- Survey respondents broadly agreed that a *less* adversarial system would better meet the needs of families than the current system of relying on litigation (88%);
- A large majority agreed (83%) that *comprehensive* changes in the current system are necessary; and
- A surprising and gratifying finding that evidenced the professionalism of these family law attorneys was that, of those who believed change was necessary, the overwhelming majority (95%) supported comprehensive change *even if* significant adjustments to their current practice would be required.

Summit Organization

Discussion will center on a series of hypotheticals—distributed at the start of the Summit—that detail particular problems of the current system or proposed solutions. Designed to trigger conversation on how to translate the family law bar's desire for change into concrete suggestions for how to achieve it, the hypotheticals focus on issues that IAALS, [INSERT: Individuals or Organization], and others have identified as important to the future development of the system of family law conflict resolution:

- Interdisciplinary dispute resolution processes, removed from the court system;
- Triage and case classification systems for family cases;
- Informal and/or simplified trial processes for divorce, separation, and parental responsibility matters;
- The changing roles of the 21st Century family lawyer;

¹⁰ LOGAN CORNETT, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., FAMILY BAR SURVEY (2015), *available at* INSERT

- Developments and innovations in handling situations involving or implicating domestic violence;
- Processes for custody, parenting time, and child support disputes between unmarried parents;
- The role of the child(ren) in court and the role of experts and parties' attorneys vis-à-vis child(ren);
- Litigation management and cost-containment issues in potentially contentious divorce and separation cases;
- Innovations for working with self-represented litigants in family law cases, including alternative methods of legal service delivery, such as limited scope representation, dedicated self-help centers, and Limited License Legal Technicians (LLLTs);
- Effective and efficient trial management procedures in the family law court system;
- Rationale and standards for judicial review of divorce agreements when a separating couple agrees on all issues; and
- Legal education for future family law practitioners.

The hypotheticals are deliberately brief and cue discussion questions that are intentionally broad, to encourage out-of-the-box thinking and vibrant discussion about how to modify the legal system to help attorneys better meet the needs of their clients.

Summit attendees will be divided into small pre-assigned groups to discuss these hypotheticals. Plenary sessions will follow to enable participants to consolidate and coordinate their recommendations and analyses. We will meet as a full group on the second day of the Summit, to consolidate the discussions of the prior day into concrete proposals for action, and share experiences and guidance on possible approaches for implementing these proposals. We are hopeful that attendees will choose an action item that he or she will seek to implement, and, from that, we will decide on an appropriate process for next steps.

We will focus on sharing ideas and information, and finding answers.

Again, we thank you for agreeing to participate in the Summit. We look forward to exciting, informative, and vibrant dialogue that will result in real change for lawyers so that they may better serve families and children.